

In the United States District Court

For the _____ District of _____ (State)

Division _____

Name: Floyd R. Nash)

Prison ID #: 12079-007)

Name: _____)

Prison ID #: _____)

Name: _____)

Prison ID #: _____)

☐ Check here if there are additional
Plaintiffs--use separate sheet to
list each person. DO NOT USE ET AL.)

vs. _____)

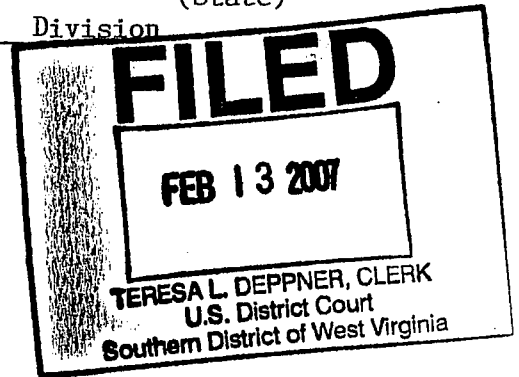
Name: _____)

Name: _____)

Name: _____)

Name: _____)

☐ Check here if there are additional
Defendants--use separate sheet to
list each person. DO NOT USE ET AL.)



Civil Action #: 5:07-0094

(To be assigned by the Clerk's
Office. Do not write in this blank.)

Complaint for the Violation of Civil Rights
Under 42 U.S.C. § 1983

I. Previous Lawsuits

A. Have you or any of the other plaintiffs listed above filed any other lawsuits in the United States District Courts and/or any state courts?

☐ Yes ☒ No

B. If you answered YES to Question A, list the following information:

☐ Check here if more than one lawsuit has been filed and list them on additional sheets

1. Parties to previous lawsuit:

Plaintiffs: _____

Defendants: _____

2. In what Court did you file the previous lawsuit?

(If Federal Court, name the District; if State Court, name the county.)

3. Case Number of the previous lawsuit: _____

4. Name of judge to whom the case was assigned: _____

5. Date previous lawsuit was filed: ____/____/____ (List at least the year.)

6. What was the disposition or result of the previous lawsuit? (for example, was it dismissed, appealed, or still pending)

7. When was previous lawsuit decided: ____/____/____ (List at least the year.)

8. Did the previous lawsuit involve the same facts or circumstances that you are now alleging in the lawsuit you are now submitting?

☐ Yes

☐ No

II. Place of Plaintiff(s)'s current confinement:

- A. Name of prison or jail in which you are currently incarcerated:

FCI BECKLEY WEST VA 25813

- B. Are the facts of your lawsuit related to your confinement in your present prison or jail?

☐ Yes

☒ No

- C. If you answered NO to question B, list the name and address of the jail or prison to which the facts of your lawsuit relate:

(FCI GILMER) GLENVILLE WEST VA P.O. BOX 6000
26351

D. Did you present these facts to the prison authorities through the prisoner grievance procedure?



Yes



No

E. If you answered Yes to question D:

1. What steps did you take: BA 8-11

2. What was result: ALL DENIED

F. If you answered No to question D, explain why not: _____

III. Parties to this Lawsuit

A. Plaintiff(s) bring this lawsuit:

1. Name of Plaintiff: FLOYD R. NASH

Prison ID #: 12079-007

Address, include name of institution: FCI BECKLEY
BEAVER WEST VA 25813 P.O. Box 350

2. Name of Plaintiff: _____

Prison ID #: _____

Address, include name of institution: _____

3. Name of Plaintiff: _____

Prison ID #: _____

Address, include name of institution: _____

☐ Check here if there are additional plaintiffs and list them on additional sheet of paper.

- B. Defendants against whom you are filing this lawsuit:
For each defendant, check whether you are naming the defendant in his or her individual and/or official capacity. Mr. MARCIAS

1. Name of Defendant: UNICOR FCI Gilmer
Place of Employment: UNICOR FCI Gilmer
Address of Defendant: FCI Gilmer Glenville West
VA P.O. Box 6000 26351

Named in an official capacity? ☒ Yes ☐ No
Named in an individual capacity? ☒ Yes ☐ No

2. Name of Defendant: _____
Place of Employment: _____
Address of Defendant: _____

Named in an official capacity? ☐ Yes ☐ No
Named in an individual capacity? ☐ Yes ☐ No

3. Name of Defendant: _____
Place of Employment: _____
Address of Defendant: _____

Named in an official capacity? ☐ Yes ☐ No
Named in an individual capacity? ☐ Yes ☐ No

- ☐ Check here if there are more than 3 defendants. You must list each and every defendant. If you do not list the name of a defendant, he or she will not be included in the lawsuit. If you do not list the place of employment and address the clerk will not be able to serve that defendant. Use addition sheets of paper to list more than 3 defendants.

IV. Statement of your claim

State as briefly as possible all the facts of your case. Recite the dates when any incidents or events occurred, and the places where they took place. Describe how each defendant is involved. Also include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each one, and use a separate paragraph for each one.

PLEASE REFER TO TYPED AFFIDAVIT
FOR FACTS

MR. NASH'S AFFIDAVIT IN SUPPORT OF HTS R.P. 11

In Gilmer County)
) SS: Know all men by these presents:
West Virginia State)

Affiant, Floyd Nash, states that the facts contained herein are true, correct, certain, and not misleading to the best of Affiant's first-hand knowledge and belief under the penalty pursuant to the laws of the United States.

On or about March 6, 2006, Mr. Marcias (FCI Gilmer Unicor/
Automotive Supervisor) knowingly and intentionally discriminated,
threatened, and/or attempted to put my life in jeopardy during and
/or after my employment at FCI Gilmer Unicor.

DISCRIMINATION

On or about February 21, 2006, at approx. 3:30PM, I reported to Unicor PM Shift to work. During the count process it was made apparent that I was not on the Unicor out count and was sent back to my assigned Unit by Mr. Marcias. After Mr. Marcias directed me to return to my assigned unit for 3:30PM count, Mr. Marcias immediately thereafter wrote a false and untruthful incident report against me for an alleged UNEXCUSED ABSENCENE FROM WORK. This incident report was highly injurious and discriminatory for several reasons:

(1) It was false; (2) I was sent to my assigned unit at approx. 3:34PM, Mr. Marcias wrote the incident at 3:45PM, and the unit count does not clear or inmates are not released from their cells until approx. 4:30-4:45PM after the 3:30PM count is completed; (3) The normal unwritten practice accepted by Unicor staff was that, if you're not on the 3:30PM Unicor out count, you're not required to return for work; and (4) This is the normal practice for all evening inmate Unicor employees. (See Att. from first-hand Unicor witnesses).

THREAT BY MR. MARCIAS

On or about March 6, 2006, upon returning to my Unicorn job after it was restored with loss of two (2) paygrades stemming from the false and untruthful incident report filed against me by Mr. Marcias. I had encountered Mr. Marcias for the first time since February 23, 2006. However, during the March 6th encounter Mr. Marcias approached me with his face frowned and gritting his teeth he stated to me that, "you will not be here long if I have anything to do with it". Not knowing if Mr. Marcias inferred that my life will be shortened or my job assignment. I immediately took safety precautions and that same day notified staff of Mr. Marcias threat, which fell on deaf ears. I then asked to resigned from Unicorn to ensure my safety.

MR. MARCIAS ATTEMPTED TO PUT MY LIFE IN DANGER

Shortly after resigning that same week, I have recieved info from several Unicor staff and inmates that Mr. Marcias had relayed to them that "no one can leave early anymore because Floyd Nash had written me up for letting people leave early". This was a blatant attempt by Mr. Marcias to provoke, influence, and/or to encourage

other inmates to threaten, injure or hurt me mentally or physically because so far inmates have been calling me a SNITCH for writing Mr. Marcias up and that they should fuck me up for stopping them from getting off early. In addition, I have been advised by two staff members to very careful because I was being "targeted".

Given under my hand this 8th day of FEBRUARY, 2007 A.D.


Floyd Nash, Affiant/Complainant

SUBSCRIBED AND SWORN before me this _____ day of _____, 2006 A.D.

NOTARY PUBLIC

My Commission expires: _____

V. **Relief requested:** List what you want the court to do; list what relief you seek against each defendant:

- A. RETURN OF JOB, LONGEVITY & SENIORITY
- B. BACK PAY FROM UNICOR BETWEEN 2/21/06 AND RELIEF
- C. EXPUNGEMENT OF INCIDENT REPORT
- D. CORRECT CUSTODY SCORE
- E. INVESTIGATE MR MARCIAS UNLAWFUL CONDUCT

I (we) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge and belief.

Signed this 6 day of FEBRUARY, 2007.

Signature: [Signature]

Prison ID #: 12079-007

Address: FCI BECKLEY BEAVER WEST VA
P.O. Box 350 25813

Signature: _____

Prison ID #: _____

Address: _____

Signature: _____

Prison ID #: _____

Address: _____

☐ Check here if additional signatures are included on an additional sheet of paper.

All plaintiffs must sign complaint.